

Under OWCP File No. xxxxxx880, appellant previously filed a Form CA-1 on December 19, 2019 alleging that, on that date, he sprained his right wrist when he tried to catch a parcel falling off of a hand truck while in the performance of duty. OWCP accepted the claim for a right wrist sprain.

In a development letter dated November 18, 2020, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and attached a questionnaire for his completion. OWCP provided appellant 30 days to submit the requested evidence. No response was received.

By decision dated January 12, 2021, OWCP denied appellant's traumatic injury claim, finding that the claimed October 22, 2020 employment incident had not been established. It noted that he had not completed and returned the factual questionnaire. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On February 1, 2021 appellant, through his then-representative, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

On March 15, 2021 OWCP administratively combined OWCP File Nos. xxxxxx915 and xxxxxx880, with the latter serving as the master file.

Appellant submitted additional medical evidence under OWCP File No. xxxxxx880, including an April 8, 2021 visit note from Dr. Mark Wade, a Board-certified orthopedic surgeon, which related appellant's history of injuring his arm in the performance of duty on December 19, 2019. Dr. Wade reviewed a January 31, 2020 magnetic resonance imaging (MRI) scan of the right wrist, which demonstrated a full-thickness triangular fibrocartilage complex (TFCC) tear. He noted that appellant continued to have problems with his wrist and had not improved despite one year of conservative nonoperative treatment.

OWCP received a March 22, 2021 progress note from Dr. Elke Neuenschwander, a Board-certified family medicine physician. In her report, Dr. Neuenschwander explained that appellant was first seen for his right wrist injury in December 2019 after he tried to catch a falling parcel with his right hand and it fell on the side of his wrist, twisting it outwards. She related that, starting in October 2020, his job became busier and his symptoms worsened. Dr. Neuenschwander reviewed an earlier MRI scan and diagnosed a right wrist full-thickness TFCC tear, as well as a tear of the ventral fibers of the scapholunate ligament.

By decision dated June 22, 2021, OWCP's hearing representative affirmed the January 12, 2021 decision, as modified, finding that the evidence of record was insufficient to establish causal relationship between appellant's right wrist condition and the accepted October 22, 2020 employment incident. The hearing representative found that the relevant evidence from OWCP File No. xxxxxx915 consisted of October 23 and December 19, 2020 medical reports by Dr. Mari Hately, a Board-certified family medicine specialist; an October 27, 2020 report by Eric Suoja, a physician assistant; a February 22, 2021 report from Dr. Doug Vermillion, a Board-certified orthopedic surgeon; a May 6, 2021 note from Dr. Neuenschwander; and several forms with illegible signatures. OWCP however did not reference evidence submitted under OWCP File No.

xxxxxx880, such as the October 23, 2020 medical report by Dr. Hately, the April 8, 2021 visit note from Dr. Wade, or the March 22, 2021 progress notes from Dr. Neuenschwander.¹

The Board has duly considered the matter and finds that this case is not in posture for a decision.

In the case of *William A. Couch*,² the Board held that when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. While OWCP is not required to list every piece of evidence submitted to the record, the record is clear that the April 8, 2021 visit note from Dr. Wade, and the March 22, 2021 progress notes from Dr. Neuenschwander were not reviewed and addressed by OWCP in its June 22, 2021 decision.³ OWCP's June 22, 2021 decision indicated that the only relevant evidence consisted of October 23 and December 19, 2020 medical reports by Dr. Hately, an October 27, 2020 report by Mr. Suoja, a February 22, 2021 report from Dr. Vermillion, a May 6, 2021 note from Dr. Neuenschwander, and several forms containing illegible signatures, all submitted under OWCP File No. xxxxxx915. It did not mention the above-referenced medical evidence from OWCP File No. xxxxxx880.

It is crucial that OWCP address all evidence received prior to the issuance of its final decision, as the Board's decisions are final with regard to the subject matter appealed.⁴ The Board finds that this case is not in posture for decision as OWCP did not review the above-noted evidence in its September 20, 2021 decision.⁵ On remand OWCP shall review all evidence of record and following this and other such further development as deemed necessary, it shall issue a *de novo* decision. Accordingly,

¹ The Board notes that OWCP's hearing representative briefly discussed whether appellant's instant claim constituted an aggravation of the accepted October 22, 2020 right wrist injury or a new traumatic injury claim and chose to review it as a new traumatic injury claim.

² 41 ECAB 548 (1990); *see also R.D.*, Docket No. 17-1818 (issued April 3, 2018).

³ *See C.D.*, Docket No. 20-0168 (issued March 5, 2020).

⁴ *See C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); *see also William A. Couch*, *supra* note 2.

⁵ *See V.C.*, Docket No. 16-0694 (issued August 19, 2016).

IT IS HEREBY ORDERED THAT the September 20, 2021 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: April 20, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board